

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

August 6, 2012

Fifty-nine years ago, the Legislature enacted California's landmark open-meeting law, the Ralph M. Brown Act. In its preamble, the Act declared, "the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly." The Act further declares that "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know."

Exactly ten years ago, our Board adopted a number of open-government measures that put the County of Los Angeles in the forefront of open-meeting and public-record reform. As more of our data traffic and storage have migrated to digital form on-line, it has become quicker and easier than ever to ensure access to information, and the County continues to lead the way in promoting open and transparent conduct of the public's business.

Today, however, those efforts have been jeopardized by yet another decision of state government, when the Department of Finance recently notified the California State Association of Counties and other local bodies that pursuant to this year's budget legislation, funding would

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be suspended for state mandates under the Brown Act to post meeting notices, furnish in advance useful summaries of calendared items to be voted upon, and report out publicly actions taken in closed session.

Like previous efforts, these latest actions remain bad policy and bad economics. Posted notice of meetings and descriptive agendas of pending legislative business are the keys to meaningful public participation in democratic decision-making. Without them, the public will effectively be shut out and denied a voice in the debate, and good governance will suffer greatly as a result.

Suspending these mandates as the Governor and Legislature have done may, in the short run, save the state a few dollars in administrative expenses. But the long-run cost in squandered public trust and compromised policymaking is incalculably higher. It's a deal with the devil that we must reject.

The Governor's proposed tax and budget reform measure on the November 2012 ballot would solve the unfunded mandate problem by amending the state constitution to eliminate the reimbursable mandate and simply require Brown Act compliance. But we need not wait for the voters to act. Los Angeles County can and should unilaterally reaffirm that commitment today.

I, THEREFORE, MOVE that the Board of Supervisors affirm its commitment to comply fully with the Brown Act open-meeting requirements for public notice and agenda-posting, as well as public announcements of actions taken in closed session, and direct the Chief Executive Officer, the Board's Executive Officer, and County Counsel to ensure that the County remains in full Brown Act compliance.

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